

REMARKS

Claims 1-28 and 30-38 are pending in the application. Claims 1-28 and 30-36 have been rejected under 35 U.S.C. 103(a). Those rejections are respectfully traversed and reconsideration is requested.

Claim 8 has been canceled, without prejudice or disclaimer, and incorporated into independent Claim 1. Claim 21 has been canceled, without prejudice or disclaimer, and are incorporated into independent Claim 14. Claims 27, 28, 30, and 31 have been canceled without prejudice or disclaimer. Applicants reserve the right to prosecute the canceled claims in a continuing application. Claims 32, 35, and 36 have been canceled, without prejudice or disclaimer, and incorporated into Claim 37.

New Claim 39 has been added. Support for the new claim can be found in the Applicants' specification in at least paragraphs [0049-0059] and Fig. 1.

Thus, Claims 1-7, 9-20, 22-26, 33, 34, and 37-39 will be pending in the application upon entry of this Amendment, of which, Claims 1, 14, 37, and 39 are independent.

Allowable Subject Matter

The Examiner stated that Claims 37 and 38 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Accordingly, Claim 37 has been amended to include the elements of previously independent Claim 32, including the elements of intervening Claims 35 and 36 and is, therefore, believed to be in condition for allowance. Claim 38 is dependent on Claim 37. Claims 33 and 34 are being amended to depend from now independent Claim 37. Thus, Claims 33, 34, and 38 are also believed to be in condition for allowance.

Rejections under 35 U.S.C. 103(a)

Claims 1-26 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Moy *et al.* (U.S. Pub. 2003/0035411) ("Moy") in view of Sandstrom (U.S. Patent No. 6,697,373).

Claims 8 and 21 have been canceled and incorporated into independent Claims 1 and 14, respectively. The claimed elements of previous Claims 8 and 21, now incorporated into Claims

1 and 14, include subject matter indicated as being allowable in originally filed Claim 37 (*“forward[ing a] path acknowledge message to [a] first add/drop multiplexer and the first add/drop multiplexer then completes the connection”*). Similarly, now canceled Claims 8 and 21 recite *“transmit[ting] a first acknowledge message ... wherein the first switching circuit is responsive to the first acknowledge message to complete a first connection,”* which have been incorporated into independent Claims 1 and 14. Applicants, thus, submit that the rejections of Claims 1 and 14 under 35 U.S.C. 103(a) are overcome. It should be noted that claim elements introduced into Claims 1 and 14 in an Amendment filed October 19, 2004 have been removed.

Dependent Claims 2-7, 9-13, 15-20, and 22-26 are directly or indirectly dependent on independent Claims 1 or 14 and, thus, are believed to be in condition for allowance for at least the same reasons as presented above for independent Claims 1 and 14.

Claims 27, 28, 30, and 31 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Moy in view of Graves *et al.* (U.S. Patent No. 4,764,921). Claims 27, 28, 30, and 31 have been canceled, thus, the above rejections of these claims are moot.

Claims 32 and 34-36 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Moy in view of Jakobik *et al.* (U.S. Patent No. 6,195,367). Claim 33 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Moy and Jakobik in further view of Sandstrom.

Claim 37, indicated by the Examiner as being allowable, now incorporates independent Claim 32, along with intervening Claims 35 and 36. Therefore, Claim 37 is believed to be in condition for allowance.

Dependent Claims 33, 34, and 38 are dependent on independent Claim 37 and, thus, are believed to be in condition for allowance for at least the same reasons as presented above for now independent Claim 37.

As such, the 35 U.S.C. 103(a) rejections of Claims 1-28 and 30-36 are believed to be overcome. Accordingly, the present invention as claimed is not believed to be anticipated or made obvious by the cited or prior art. Withdrawal of the rejections under 35 U.S.C. 103(a) and acceptance of Claims 1-7, 9-20, 22-26, 33, 34, and 37-39 is respectfully requested.

New Claim 39 includes similar elements as included in amended Claim 37 and is believed to be in condition for allowance consistent with amended Claim 37.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims that will be pending after entry of this Amendment, Claims 1-7, 9-20, 22-26, 33, 34, and 37-39, are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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